

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-5 and 10 are presently pending in this case. Claims 6-9 and 11-21 are canceled without prejudice or disclaimer by the present amendment.

In the outstanding Official Action, Claims 1-21 were rejected under 35 U.S.C. §103(a) as unpatentable over Martemyanov et al. (U.S. Patent No. 7,336,720, hereinafter “Martemyanov”) in view of Ratnakar (U.S. Patent No. 6,256,415).

The outstanding rejection is respectfully traversed.

Claim 1 recites in part:

first means for applying a predetermined transformation to the video signal to generate a transformed video signal;
second means for applying an arithmetic coding to the transformed video signal; and
means for counting a number of pieces of input data and output data in/from said second means;
in a case in which the counted number of pieces of the input data or the output data exceeds a preset threshold value in a prescribed unit of encoding, the data is not taken as data to be encoded, the means for counting resets the counted number of pieces to zero, and an encoding process differing from that applied by said first means is applied to the video signal.

The outstanding Office Action cited column 25, lines 36-47 of Martemyanov as describing the above highlighted feature, except for “the means for counting resets the counted number of pieces to zero” for which Ratnakar was cited.¹

Initially, it is respectfully noted that Martemyanov does **not** identify data to not be encoded under any circumstances, much less when a counted number of pieces of input or output data exceeds a preset threshold value. If the outstanding rejection is to be maintained, it is respectfully requested that the particular part of Martemyanov asserted to be describing

¹See the outstanding Office Action at page 3.

that data is not taken as data to be encoded be specifically identified for the purpose of facilitating the appeals process.

Further, Martemyanov only counts the appearance frequency of values within a plurality of intervals, splitting the number of input values into these intervals. Thus, Martemyanov does **not** count the overall number of pieces of input or output data. Moreover, column 25, lines 35-47 of Martemyanov describes that the appearance frequencies are downscaled by a factor of one half when any one particular interval has an appearance frequency over a threshold value.

For example, if intervals are defined as in column 26, line 40 of Martemyanov, if the 10 values 0, 1, 2, 0, 1, 4, 5, 3, 7, and 6 are input, the appearance frequencies would be 2 for [0, 0], 2 for [1, 1], 2 for [2, 3] and 4 for [4, 7]. In this example, 10 data values input would **not** be counted by any part of Martemyanov as 10 input data values. These values would only be counted within appearance frequency intervals as shown above. Further, if the appearance threshold was 4 before downscaling, once the value of 6 was input in the example, the appearance frequencies would be downscaled to 1 for [0, 0], 1 for [1, 1], 1 for [2, 3] and 2 for [4, 7]. Thus, it is respectfully submitted that Martemyanov does not teach “means for counting a number of pieces of input data and output data in/from said second means” as defined in Claim 1.

With respect to Ratnakar, this reference describes at column 4, lines 44-67 that a global palette includes a number of different colors that have been used in a block, where the number of different colors being used in the global palette is equal to G. When the number of different colors used in the current global palette exceeds a threshold, the number of colors G is set to zero. No part of Ratnakar appears to describe counting a number of pieces of **input data and output data**, as the cited portion of Ratnakar only counts a number of **different colors** currently being used. Further, no part of Ratnakar sets a counted number of **data**

pieces equal to zero, as the cited portion of Ratnakar only sets a number of *different colors* currently being used to zero. Therefore, Ratnakar cannot cure the deficiencies of Martemyanov.

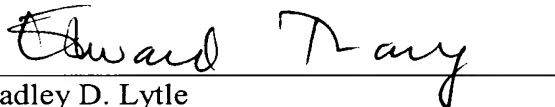
Consequently, Claim 1 (and Claims 2-5 dependent therefrom) is patentable over Martemyanov in view of Ratnakar.

Claim 10 recites in part “in a case in which the counted number of pieces of the input data or the output data exceeds a preset threshold value in a prescribed unit of encoding, ... the counted number of pieces is reset to zero.” As noted above, Martemyanov does not count a number of input and/or output pieces. Martemyanov only counts appearance frequencies within a plurality of intervals. Thus, it is respectfully submitted that Martemyanov does not teach “the counted number of pieces is reset to zero” as recited in Claim 10. Ratnakar only counts a number of *different colors* currently being used, and sets the number of different colors being used to zero when this number exceeds a threshold. Therefore, Ratnakar cannot cure the deficiencies of Martemyanov. Consequently, Claim 10 is also patentable over Martemyanov in view of Ratnakar.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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